

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FREDERICK W. BAUER, )  
Petitioner, ) Case No. C10-1176-MJP  
v. )  
ORDER DENYING LEAVE TO  
U.S. ATTORNEY GENERAL, ) PROCEED IN FORMA  
Respondent. ) PAUPERIS ON APPEAL

The Court, having reviewed petitioner's application to proceed *in forma pauperis* on appeal (Dkt. 19), the Report and Recommendation of United States Magistrate Judge James P. Donohue, the petitioner's request that Judge Donohue recuse himself (Dkt. No. 21), the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Report and Recommendation is ADOPTED;
  - (2) Petitioner's application to proceed *in forma pauperis* on appeal is DENIED because petitioner has not shown an inability to pay the appeal fee and because this appeal is not taken in good faith;
  - (3) Petitioner's request that Judge Donohue recuse himself is DENIED because petitioner has not shown any basis by which Judge Donohue's impartiality might reasonably be questioned;

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(4) The Clerk of Court is directed to send copies of this Order to petitioner and to Judge Donohue.

DATED this 29th day of November, 2010.

Wassily Kandinsky

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Marsha J. Pechman  
United States District Judge

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